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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David A. Brown

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/886,659	Applicant(s) BROWN, DAVID A.	
	Examiner KRISTIE D. SHINGLES	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Per Applicant's Request for Continued Examination

Claims 1-25 have been cancelled.

The Information Disclosure Statement on 6/7/10 has been considered and entered.

Claims 26-49 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/2010 has been entered.

Allowable Subject Matter - Vacated

II. Applicant is advised that the Notice of Allowance mailed 3/8/2010 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

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III. The indicated allowability of claims 26-49 is withdrawn in view of the newly discovered reference(s) to *Brown* (USPN 6,691,218). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

IV. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

V. Claims 26-49 are rejected under 35 U.S.C. 102(e) as being anticipated by *Brown* (USPN 6,691,218).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference 12/10/1999, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

a. Per claim 26, *Brown* teaches a method comprising:

- searching data stored in a computer readable media for a first initial search result using at least a first portion of a first key (*Figures 5 and 8-9, col.11 line 65-col.12 line 9—a first portion of a first key used during a first search*); and
- if the first initial search result is a route index corresponding to the first key, then returning the route index (*col.7 lines 3-10, col.10 lines 8-52—corresponding route index for each search key*); and

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- if the first initial search result is a subtree index for an iterative search, then performing an iterative search of the data stored in the computer readable media, the iterative search comprising: searching the data for an iterative search result using a subsequent key comprising the subtree index found in a preceding search and at least a next portion of the first key (*Figures 9 and 22, col.16 lines 3-31—search iterations using a next portion of the key and a subtree result from a search of the previous level*); and
- if the iterative search result is a route index corresponding to the first key, then returning the route index; and if the iterative search result is a subtree index for a next search, then performing the iterative search again (*Figures 4, 9-10 and 13, col.6 line 1-col.7 line 20, col.12 lines 10-25*).

b. **Claims 32, 38 and 44** contain limitations that are substantially equivalent to claim 26 and are therefore rejected under the same basis.

c. **Per claim 27**, *Brown* teaches the method of claim 26 further comprising: searching the data for a second initial search result using at least a first portion of a second key, wherein the step of searching the data for the second initial search result is performed in parallel with the step of searching the data for the iterative search result (*col.12 lines 42-59, col.16 lines 3-31—search using first portion of key is performed in parallel*).

d. **Per claim 28**, *Brown* teaches the method of claim 27 wherein the first and/or second keys comprise at least one of either a 32 bit IPv4 address or a 128 bit IPv6 address (*col.7 lines 21-26, col.12 lines 31-41*).

e. **Claims 34, 40 and 46** are substantially equivalent to claim 28 and are therefore rejected under the same basis.

f. **Per claims 29**, *Brown* teaches teach the method of claim 27, wherein the first and/or second keys further comprise a prefix corresponding to a Virtual Private Network identifier (*col.7 lines 24-26*).

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g. **Claims 35 and 41** are substantially equivalent to claim 29 and are therefore rejected under the same basis.

h. **Per claim 30**, *Brown* teaches the method of claim 26 wherein the data is stored in a lookup table (*col.8 lines 11-13, col.12 lines 31-47*).

i. **Claims 36, 42 and 48** are substantially equivalent to claim 30 and are therefore rejected under the same basis.

j. **Per claim 31**, *Brown* teaches the method of claim 30 wherein the subtree index comprises a pointer to at least one other entry stored in the lookup table (*col.8 line 58-col.9 line 31, col.18 lines 13-21, col.30 lines 11-39—subtree index comprises pointer to other entries stored in lookup table*).

k. **Claims 37, 43 and 49** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

l. **Per claim 33**, *Brown* teaches teach the apparatus of claim 32 further comprising: a controller configured to enable parallel processing of at least (i) searching the data for a second initial search result using at least a first portion of a second key, and (ii) searching the data for an iterative search result based on a subsequent key comprising the subtree index found in a preceding search and at least a next portion of the first key (*Figure 9, col.12 lines 42-59, col.13 lines 43-54, col.16 lines 3-31, col.17 line 50-col.18 line 11*).

m. **Claims 38 and 45** are substantially equivalent to claim 33 and are therefore rejected under the same basis.

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Conclusion

VI. Examiner's Note: Examiner has cited particular columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner. Should Applicant amend the claims of the claimed invention, it is respectfully requested that Applicant clearly indicate the portion(s) of Applicant's specification that support the amended claim language for ascertaining the metes and bounds of Applicant's claimed invention.

VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIE D. SHINGLES whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kristie D. Shingles/
Examiner, Art Unit 2444